

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 13, 2000

DIVISION ONE

B140709 State of California et al.
v.
Superior Court, Los Angeles County
(Bolduc et al., r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B128449 Davis (Not for Publication)
v.
Law Offices of Ian Kerner et al.

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

[illegible]

The judgment is affirmed. Costs are awarded to Henry Holt and Company.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B134584 People (Not for Publication)
v.
Stribling

The judgment is affirmed. The trial court is directed to forward to the Department of Corrections an amended abstract of judgment reflecting that appellant committed the present offense in 1998 and that the case number in the present case is MA017998, but not reflecting that a Penal Code section 290.3 fine was imposed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FIVE

B132527 People (Not for Publication)
v.
Leandro Molina

The judgment is modified by reducing the one-year sentence imposed on count 1 to a six-month sentence. The clerk of the superior court is directed to modify the abstract of judgment to reflect that the sentence on count 1 is six months rather than one year. The clerk of the superior court is further directed to additionally modify the abstract of judgment, in accordance with this opinion, so that it accurately reflects the actual sentence imposed by the trial court, by indicating (1) that sentence on count 6 is a concurrent sentence of three years rather than a consecutive one-year sentence, (2) that imposition of sentence on count 7 was suspended pursuant to section 654, (3) that count 9 was a conviction for forcible rape rather than forcible oral copulation, and (4) that sentence on count 9 was a consecutive sentence of 25 years to life and was not stayed pursuant to section 654. In all other respects, the judgment is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B125800 Sanford Small (Not for Publication)
 v.
 Sunset Park Investments

The judgment is affirmed. Respondent(s) to recover costs.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B141652 Wayne D. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (D.C.F.S., r.p.i.)

Petition denied by opinion.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

B131489 People (Not for Publication)
 v.
 Isiah Caldwell

The abstract of judgment is ordered modified to reflect imposition of one enhancement pursuant to Penal Code section 667.5, subdivision (b) and that the enhancement alleged pursuant to Penal Code sections 12022 and 12022.7 are stricken. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B131101 People of the State of California (Not for Publication)
 v.
 Hernan Ortiz Segura
 Ranger Insurance Company

The judgment is affirmed. Respondent is to recover costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Presiding Justice Gilbert makes remarks in memory of Richard Abbe, Retired Associate Justice of the Second Appellate District, Division Six.

B142615 Samantha C.
 v.
 San Luis Obispo County Superior Court

Presentation waived, cause submitted.

B139253 Hanson
 v.
 Courtesy Chevrolet Motors

Appearances:
Michael F. Bell for respondent and no appearance for appellant. Argument waived, cause submitted.

DIVISION SIX (Continued)

B140008 Michaelson
 v.
 City of Ventura

Merits:
Argued by Malcolm Tator for appellants and by Brian P. Keighron for respondent. Cause submitted.

B138020 Schiavone
 v.
 Schiavone

Merits:
Argued by Glenn L. Robertson for appellant. No appearance by respondent pursuant to Rule 17(b), California Rules of Court. Cause submitted.

B139446 Marian
 v.
 State Farm Mutual Automobile Insurance Company

Merits:
Argued by Teodor Marian for appellant and by Daniel E. Henderson, III for respondents. The court allows appellant to submit argument in writing. Cause submitted.

B136081 Wright
 v.
 Decker

Merits:
Argued by John H. Parke for appellant and by Herb Fox for respondent. Cause submitted.

DIVISION SIX (Continued)

B138893 Coast Automotive Group
 v.
 Alldata Corporation

Merits:

Argued by Daniel Scott Schechter for appellant and by Joseph Stone for respondent. Cause submitted.

Coffee, J. left the bench.

B138356 Moulton
 v.
 Worker's Compensation Appeals Board
 San Diego County, Respondent

Review:

Presented by David T. Holzman for petitioner and by Edmund E. Mozulay, deputy county counsel, for respondent San Diego County. Argument waived by respondent Workers' Compensation Appeals Board. Cause submitted.

Court recessed at 10:40 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Presiding Justice Gilbert makes remarks in memory of Richard Abbe, Retired Associate Justice of the Second Appellate District, Division Six.

B136276 Lolley
 v.
 Campbell

Argument continued to October, 2000.

DIVISION SIX (Continued)

B138049 Taft
 v.
 Department of Motor Vehicles

 Argument waived, cause submitted.

B123061 Hunt
 v.
 Young et al.

 Appearances:
 Richard G. Ritchie for respondent Young and by Robert D. Links for
 respondent O'Malley. No appearance for appellant. Appellant's telephonic
 request for a continuance of oral argument is denied. Argument waived,
 cause submitted.

B138093 Hughes
 v.
 Primary Health Management Systems

 Merits:
 Argued by Janet A. Lawson for appellant and by Linda T. Pierce for
 respondent. Cause submitted.

B142537 Miriam F.
 v.
 Ventura County Superior Court
 (Human Services Agency, r.p.i.)

 Extraordinary writ:

 Counsel for real party in interest waives any impropriety as to counsel for
 petitioner presenting argument. Both counsel waive any impropriety as to
 Justice Perren participating in this matter.

 Presented by Michael C. McMahon, chief deputy public defender, for
 petitioner and by Joseph J. Randazo, assistant county counsel, for real party
 in interest. Counsel stipulate that if Justice Perren recuses himself, Justice
 Yegan may participate as a panel member in this matter by listening to the
 audio tape of this argument. Cause submitted.

DIVISION SIX (Continued)

B135944 Sierra Club
 v.
 County of Santa Barbara et al.

Merits:

Argued by Sarah Knetch for appellant and by Victoria Clark for respondent. The court acknowledges that the previously argued matter in Second Civil Number B130504 - Sierra Club v. Santa Barbara Co., et al. is consolidated with this case. Causes submitted.

B136088 Santa Margarita Area Residents Together
 v.
 San Luis Obispo County Board of Supervisors

Merits:

Argued by Alexander T. Henson for appellants and by Stephen L. Kostka for respondent Santa Margarita Limited, Inc. Argument waived by Timothy McNulty, deputy county counsel, for respondent San Luis Obispo County Board of Supervisors. Cause submitted.

Court adjourned at 2:50 P.M.

B130769 Malhiot
 v.
 Armstrong

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B132242 Lewis (Not for Publication)
v.
Flaspohler

The post-judgment order is affirmed. Each party to bear its own costs on appeal.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The order denying the section 473 motion is reversed. This matter is remanded to the trial court to consider and rule upon the merits of the section of 473 motion. The appellant is entitled to costs incurred in connection with this appeal.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

B135830 Dice (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

September 13, 2000-Continued

DIVISION SEVEN (Continued)

B138723 People (Not for Publication)
v.
Gilbert D.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.

B134613 People (Not for Publication)
v.
Hall

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

September 13, 2000-Continued

DIVISION SEVEN (Continued)

B135847 People (Not for Publication)
v.
Oliver

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

B136326 People (Not for Publication)
v.
Fulton

The judgment is modified to strike the penalty assessments of \$140 imposed for the restitution fines. In all other respects, the judgment is affirmed. The superior court shall cause its clerk to send an amended abstract of judgment to the California Department of Corrections, stating appellant was committed to an aggregate twelve-year term, with restitution fines of \$200 each (the parole restitution fine is stayed), without any penalty assessments, and a laboratory fee of \$50, with \$35 penalty assessment.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B135316 People (Not for Publication)
v.
Connor

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

September 13, 2000-Continued

DIVISION SEVEN (Continued)

B136251 People (Not for Publication)
v.
Gutierrez

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B132763 Valdez (Not for Publication)
v.
Fox

The judgment is affirmed. Respondent shall recover her costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B120648 Hinz (Not for Publication)
B128234 v.
University of Southern California, et al.,

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

September 13, 2000-Continued

DIVISION SEVEN (Continued)

B141957 Victoria L. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children & Family Services, r.p.i.)

The petition is denied.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B122616 People (Not for Publication)
v.
Chaney

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Neal, J.